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7 Attorney for New Horizon

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

**In Re:**

**SUSAN SIMPSON,**

**Debtor,**

**Chapter 13 Proceeding**

**Case No: 2:20-bk-02088-EPB**

**NEW HORIZONS ROTH 401K PROFIT  
SHARING PLAN, BRAD GILBERSTON  
AS TRUSTEE,**

**Movant,**

**v.**

**SUSAN SIMPSON AND DARWIN  
SIMPSON, a married couple,**

**Respondents.**

**REPLY IN SUPPORT OF NOTICE  
OF NON-COMPLIANCE  
AND MOTION FOR ENTRY OF  
ORDER GRATING STAY RELIEF**

**RE: 5320 E. THUNDER HAWK RD.  
CAVE CREEK ARIZONA**

23 New Horizons, through undersigned counsel, makes this Reply in Support of its  
24 Notice of Noncompliance by the Debtor to submit proof of the regular monthly  
25 December 2020 payment to Chase Bank the first lienholder on Debtor's residence, to  
26 New Horizon's counsel, as agreed and instructed to do, in open court at the December  
27 15, 2020 hearing on the CH 13 Trustee's Motion to Dismiss. New Horizon makes this  
28 Reply in support of its Motion for Entry of Order granting stay relief.

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4 I. In the Debtor's Response filed Jan 13, 2021, Debtor admits the Dec 1,  
5 2020 payment to Chase Bank was not paid until Dec 31, 2020, and she is behind and  
6 has not paid Nov. 2020 and Jan 2021.

7 At the hearing on December 15, 2020, the Court required Mr. Stickel as  
8 Debtor's counsel to submit proof of the Dec. 2020 regular monthly payment to New  
9 Horizons by Dec. 16, 2020.

10 Debtor failed to comply and produce evidence of the December, 2020 payment  
11 to Chase Bank, as agreed to in open court by close of business on Dec. 16, 2020.

12 On January 13, 2021 Debtor filed her Response to New Horizon's Certification of  
13 Noncompliance and Request for Stay relief. In her response the Debtor admits she didn't make  
14 the Dec 2020 regular monthly payment to Chase Bank, until Dec 31, 2020, 30 days past the  
15 due date. Debtor also in her response states despite the agreement to make payments timely  
16 directly to Chase, in violation of that agreement she hasn't made two of the regular monthly  
17 payments to Chase Bank, having failed to make the Nov. 2020 payment ( over 70 days now  
18 late) and hasn't made the January 2021 payment to Chase. Late fees and other penalties are  
19 accruing on both payments she has failed to timely pay.

20 II. Motion for Entry of Order granting Stay Relief.

21 Debtor in a Ch 13 case, to retain her residence must timely pay all post-petition  
22 payments on any mortgages. Debtor now admits she has failed to timely pay all payments to  
23 Chase Bank. Also the Oct 2020 payment, was paid late. Payments are due on the 1<sup>st</sup> of each  
24 month. Also the October 2020 payment was paid after Oct. 15, 2020.

25 Debtor in her Response to New Horizon's Motion to enter an order granting stay relief,  
26 claims she has a government contract, that will enable her to pay the Nov 2020 and Jan 2021  
27 payments by Jan 19, 2021. However the Debtor hasn't listed on her schedules or elsewhere  
28 stated she has a business, nor has she supplied evidence of a government contract. She has

1 stated before she is working for a roofing company. She presents no proof of the contract. Her  
2 bank statement supplied to New Horizon's counsel and counsel for the ch 13 trustee, shows as  
3 of 1/13/2021 an available balance of only \$983.11, in her Chase Bank account.

4 Based on the Debtor's failure to keep all payments to Chase Bank current post petition,  
5 and failing to comply as directed by the Court to show evidence of the December 1, 2020  
6 payment made to Chase by Dec 16, 2020, this Court must enter an order granting stay relief. A  
7 proposed order granting Stay Relief has been filed.

8 WHEREFORE, New Horizons requests for an order granting stay relief be granted,  
9 because of Debtor's noncompliance of timely payments post-petition to Chase Bank.

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13 **RESPECTFULLY SUBMITTED** this 13th day of January, 2021.

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15 **DEAN W. O'CONNOR, P.L.L.C.**

16 By: /s/ Dean W. O'Connor

17 Dean W. O'Connor

18 Attorney for New Horizons  
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2 **CERTIFICATE OF SERVICE**  
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4 **ORIGINAL** of the foregoing e-filed  
5 this 13th day of January, 2021, with the  
6 Clerk of the Bankruptcy Court

7 and a COPY was emailed and mailed to:  
8

9 Gary Stickell  
10 301 W. Bethany Home Rd Suite B100  
Phoenix, AZ 85012

11 Ross Mumme  
12 Edward Maney Ch 13 Trustee  
101 N Central Ave Suite 1775  
13 PHOENIX, AZ 85003

14 By: Dean W. O'Connor  
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